



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
April 17, 2012

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Joel Thrift, District IV, Council Chairman
Mr. Paul Corbett, District I, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Archie Barron, District III
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Thomas L. Martin County Attorney, County Administrator Scott Moulder, Assistant Administrator Glenn Breed and Clerk to Council, Elizabeth Hulse present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available *(upon request)* to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Ray Chandler – Anderson Independent & Carlos Galarza, Mike Fads - Daily Journal.

Call to Order: Mr. Thrift called the meeting to order at 6:00 p.m.

Extended Public Comment Session: None scheduled at this meeting.

Public Comment Session *[related to specific agenda items]:* None at this meeting.

Public Comment Session *[related to non-agenda items]:*

Mr. Richard Marcingill addressed Council voicing concerns that citizens in the unincorporated areas of the county could be taxed twice for sewer expansion in the unincorporated areas of the county.

Mr. Frankie Pearson addressed Council in opposition to purchasing additional land for a new jail.

Mr. Mike Jones addressed Council requesting on behalf of citizens that the new jail be located in the Five Forks community. Mr. Jones presented Council with three signed petitions [copies filed with these minutes] in support of this location.

Mr. Brit Adams addressed Council in opposition to passage of Ordinance 2012-14.

County Council Response to Public Comment: None at this meeting.

Meeting Recess: Mr. Thrift announced a recess at 6:06 p.m.

Meeting Reconvene: Mr. Thrift reconvened the meeting at 6:30 p.m.

Pledge of Allegiance: Mr. Thrift recognized members of Girl Scout Troop 741 [Mt. Rest/Long Creek] who led the Pledge of Allegiance to the United States of America.

Consideration of the Following Proclamations:

Proclamation P2012-04

Mr. McCall made a motion seconded by Mr. Barron, approved 5 – 0 to approve “A PROCLAMATION HONORING THE GIRLS SCOUTS OF AMERICA AT THEIR ONE HUNDRETH ANNIVERSARY” on first and final reading.

Mr. Thrift asked members of Troop 741 to step forward to accept the Proclamation from Council. The troop thanked Council and the girls presented each member of Council along with the attorney, clerk and administrative staff a box of Shortbread Cookies.

School District of Oconee [SDOC] FY 2013 Budget Presentation to Council

Dr. Michael Lucas, Superintendent, and Dr. Michael Thorsland, Assistant Administrator, addressed Council utilizing several handouts [copies filed with the minutes] and a PowerPoint presentation [copy also filed with the minutes] highlighting the following areas:

- SCOC / County Collaborations: North Highway 11 Sewer Project & Combined Courier Services
- Five Year History of School Millage
- General Fund Revenues from State Sources: 2008-2012
- SDOC Local Revenue: 2008-2012
- SDOC General Fund Balance
- Changes leading to Deficit
- General Fund Revenue Projects Spreadsheet
- Expenditure Budget Summary for FY 2012 Spreadsheet
- TOTAL BUDGET REQUEST FOR SDOC FOR FY 2013: \$60,516,328

Discussion followed regarding specifics related to the school district and pending state legislation {H4993 & H4998} that will effect total county revenues.

Meeting Recess:

Mr. Thrift announced a 10 minute recess at 7:05 p.m.

Meeting Reconvene:

Mr. Thrift reconvened the meeting at 7:15 p.m.

Motion to Amend Agenda:

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to amend the agenda to add three items to the scheduled Executive Session [1] receiving legal advice regarding a current litigation matter, and [2] two Economic Development projects.

Minutes: Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the minutes from the April 3, 2012 meeting as presented.

Presentations to County Council

Capital Project Advisory Committee / Mr. John Rau & Mr. David Mead

Mr. Rau and Mr. Mead addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] and several handout [copies filed with the minutes] highlighting the following activities of the committee to date:

- Formation of the Committee: voting & non-voting membership, record retention, etc.
- Process: development of process to evaluate projects, development of a scoring mechanism, and development of a ranking system

- Activities of the Committee: development of evaluation/scoring forms, development of project flowchart, etc.
- Projects Reviewed: two test projects evaluated prior to implementation of forms
- Projects Reviewed: two projects evaluated and forwarded to the Planning Commission for inclusion in their review and recommendation to Council.

Council thanked the members for their thorough presentation and stated their appreciation for the work being done by the Committee.

Public Hearing regarding the Following Ordinances:

Ordinance 2012-13 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN OCONEE COUNTY AND THE SCHOOL DISTRICT OF OCONEE COUNTY REGARDING THE GRANT BY THE COUNTY OF ECONOMIC DEVELOPMENT FUNDS FOR THE CONSTRUCTION OF SANITARY SEWER SERVICE LINES, FACILITIES, AND APPURTENANCES BY THE SCHOOL DISTRICT; THE APPROPRIATION OF FUNDS THEREFOR; AND OTHER MATTERS RELATED THERETO"

Mr. Thrift opened the floor for Public Comment.

Mr. Thrift asked if any citizens wished to address Council regarding this ordinance; no citizen stepped forward.

Mr. Thrift asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Thrift closed the Public Hearing regarding Ordinance 2012-13.

Consideration of the Following Resolutions:

Resolution R2012-06

Mr. Dexter made a motion seconded by Mr. Corbeil, approved 5 - 0 to approve **Resolution R2012-06** "A RESOLUTION AUTHORIZING THE ACCEPTANCE BY OCONEE COUNTY OF CERTAIN REAL PROPERTY, DEDICATED BY THE FOXWOOD HILLS PROPERTY OWNERS ASSOCIATION, FOR CERTAIN SPECIFIED PUBLIC PURPOSES, ONLY; AND OTHER MATTERS RELATED THERETO" on first and final reading.

Consideration of the Following Ordinances:

Ordinance 2012-13

Mr. Barron made a motion, seconded by Mr. McCall, approved 5 - 0 to approve **Ordinance 2012-13** "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN OCONEE COUNTY AND THE SCHOOL DISTRICT OF OCONEE COUNTY REGARDING THE GRANT BY THE COUNTY OF ECONOMIC DEVELOPMENT FUNDS FOR THE CONSTRUCTION OF SANITARY SEWER SERVICE LINES, FACILITIES, AND APPURTENANCES BY THE SCHOOL DISTRICT; THE APPROPRIATION OF FUNDS THEREFOR; AND OTHER MATTERS RELATED THERETO" on third and final reading.

Ordinance 2012-15

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 - 0 to approve **Ordinance 2012-15** "AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTY TO NEW HORIZON ELECTRIC" on second reading.

Discussion & Possible Action Items

Road Department / East Capewood, Dobson Cove, Lynx Lane, & RC Drive / \$67,290.00

Mr. Moulder, Ms. Robyn Courtright, Procurement Director, and Mr. Mack Kelly, County Engineer, addressed Council regarding this item.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the award of \$67,290.00 to Davis & Floyd, Inc., of Greenwood, SC for engineering services for the above mentioned road projects.

Emergency Services / Foxwood Hills Substation / \$157,195.24

Mr. Breed and Ms. Courtright addressed Council regarding this item. Mr. Breed also introduced Chief Bob Jones, Foxwood Hills Chief of Security & Lieutenant with the South Union Fire Department who was available to address any questions related to the substation.

Mr. Dexter made a motion, seconded by Mr. Barron, approved 5 – 0 to approve the award of \$157,195.24 to Joel Davis Construction of Westminster, SC to construct the Foxwood Hills Substation.

RFP 11-16: Phase II Installation Contractor / BROADBAND PROJECT FOCUS / STBD

Mr. Moulder, Ms. Courtright and County Attorney Mr. Martin addressed Council regarding this item. It was noted that a protest had been received by staff, evaluated and a determination made regarding award of RFP 11-16. This matter was initially discussed at the April 16, 2012 Council meeting and based on this; Mr. Martin requested that the minutes and two letters referenced from that Council meeting be incorporated as an attachment to these minutes as they relate to this issue [copies filed with the backup material for this meeting and additionally incorporated into these minutes as **Attachment A**].

Ms. Courtright stated that the protest with without merit and asked that Council affirm her determination and move forward with the award. Ms. Courtright also read into the record the scoring weight factors [copy of this document filed with these minutes]. In addition she reviewed the scoring process that the evaluation committee utilized to evaluate all RFP's.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to approve the Procurement Director's determination noting it was correct and that Council chooses to move forward light of the protest and award RFP 11-16 for Installation Contractor for Phase II of Broadband Project FOCUS to Network Controls & Electric, Inc., of Greer, SC, for the total amount of \$3,426,678.20.

PO #48614/ ITB 11-04 / CO#1 / BROADBAND PROJECT FOCUS / \$448,360.00

Mr. Moulder and Ms. Courtright addressed Council regarding this item.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve Change Order # 1 for PO 48614 in the amount of \$448,360.00 to GeoVision of Sylva, NC. This will bring the total amount of the PO to \$744,568.

Board & Commission Appointments

None scheduled for this meeting.

Commission & Board Reports to Council

None scheduled for this meeting.

Council Committee Reports:

Law Enforcement, Public Safety, Health & Welfare Committee / Mr. McCall

Mr. McCall noted the meeting was cancelled.

Transportation Committee / Mr. Thrift

Mr. Thrift read from a prepared statement [copy filed with these minutes] highlighting the activities of the committee's meeting on April 10, 2012.

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve the Tentative Road Improvement List, dated April 10, 2012, to be considered for road construction paving list as funds allow AND contingent on Council's receipt/approval of the Fiscal Year 2013 Operating Budget.

Administrator's Report:

Mr. Moulder addressed Council reading from a handout [copy filed with these minutes] highlighting activities of various areas of county government. In addition, Mr. Moulder provided as information financial reports [copies filed with these minutes] for the period ending March 31, 2012.

Mr. Moulder noted that his FY 2013 budget presentation to Council is scheduled for Tuesday, April 24, 2012 at 6:00 p.m. in Council Chambers.

Lastly, he addressed questions regarding a county electronic recycling program; noting that this has been delegated to Mr. Breed who will make recommendation to Council at an upcoming meeting.

Old Business:

Local Government Fund / House Bills H4993 & H4998

Mr. Dexter addressed Council regarding ongoing concerns with reduced funding to the LGF by the state legislature. He noted that at present they are funding state wide at the 1995-1996 level. The effect to Oconee County is approximately \$1,000,000 or the equivalent of approximately 2 mills.

Mr. Dexter also discussed H4993 which would reduce the assessment to manufacturing to 6%; it is now 10.5% and H4998 which reduce the assessment on second homes, rental property, etc to 5%; it is now 6%. The total loss state wide to counties in lost property taxes would be approximately 23%. He voiced concerns that this will shift the burden to the residential property tax payers. Lastly, he noted that the bills would also prohibit reimbursement or allowance for lost revenues.

Lengthy discussion followed.

Mr. Thrift agreed to approach the county's legislative delegation members to schedule a time when they could meet with Council so these issues can be addressed and the county's and its citizen's position promoted.

New Business:

None scheduled for this meeting.

Executive Session:

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to enter into Executive Session to [1] receiving legal advice regarding two contractual matters, [2] receive legal advice regarding a current litigation matter, and [3] discuss two Economic Development projects.

Council entered Executive Session at 8:10 p.m.

Council returned from Executive Session at 9:40 p.m. on a motion by Mr. Dexter, seconded by Mr. Corbeil, approved 5 – 0.

Mr. Thrift stated that no action was taken in Executive Session.


Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to recommend settlement of the Scowal vs. Oconee County [and others] lawsuit subject to subject to satisfaction to matters listed by the Administrator in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to authorize the Administrator to continue due diligence efforts pertaining to construction of the new detention center including, if necessary, expenditures up to the amount discussed in Executive Session which is within the Administrator's existing authority.

Adjourn:

Mr. McCall made a motion, approved unanimously to adjourn at 9:42 p.m.

Respectfully Submitted:



Elizabeth G. Hulse
Clerk to Council

MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
April 17, 2012



ATTACHMENT A

Oconee County
Procurement Office

Robyn M. Courtright, CPPO
Procurement Director

Oconee County
Administrative Offices
415 South Pine Street
Walhalla, SC 29691

Phone: 864.638.4143
Fax: 864.638.4142
rcourtright@oconeesc.com



April 16, 2012

TO: ✓ T. Scott Moulder, County Administrator
The Hon. Joel Thrift, Chairman, Oconee County Council

FROM: Robyn Courtright, Procurement Director

RE: RECOMMENDATION TO PROCEED WITH AWARD OF RFP
11-16, PHASE TWO INSTALLATION CONTRACTOR FOR
BROADBAND PROJECT FOCUS

We have received a protest from Edwards Telecommunications, Inc. ("Edwards"), of Columbia, SC, on April 16, 2012, in regards to the award of the above-captioned RFP (the "RFP"). Per my attached letter of response to them, I consider their protest to be without merit, as the RFP was issued correctly, the responses were received and scored correctly, there was a responder with a significantly higher score than any other, and Edwards was the fourth ranked vendor out of the six proposals we received.

In order for Edwards to benefit from this protest, the entire RFP process would have to be thrown out and we would have to start again, as there were three vendors ahead of them, so mere disqualification of one vendor would not necessarily benefit Edwards. Edwards' protest was largely on the basis that theirs was the lowest proposal, and by a substantial margin. However, the RFP criteria, which were clearly articulated in the RFP and which were carefully followed in the scoring, clearly indicated that cost merely represented 25% of the weighted criteria. There were no other specific complaints about the RFP process, and I am not aware of any basis to void the RFP or the award to the highest rated proposer in response to the RFP.

Today, April 16, I met with Mike Powell and Kim Wilbanks to discuss the effect a protest would have on the successful completion of this project. The Procurement Provisions of the Oconee County Code of Ordinances, states the following:

(m) Stay of Procurement During Protest or Appeal. In the event of a timely protest under this section, the County shall not proceed further with the solicitation or with the award of the Contract until a final decision has been made and the time for appeal has expired, unless the Procurement Director, after consultation with the head of the using department, makes a written determination that the award of the Contract is necessary to protect substantial interests of the County.

**Oconee County
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It is my recommendation that County Council consider moving forward with the award of RFP 11-16 at the April 17, 2012 meeting. A delay of even two weeks until the next meeting could have a potentially negative effect on the contractor's ability to complete this project on time, and therefore on the County's successful completion of the contract. There are significant contract and grant issues involved with any delay, and there is a very tight deadline to get this project successfully completed, because of some prior delays which were beyond our control.

Below are some specific reasons why this contract must be awarded at the April 17, 2012 meeting, in order to protect substantial interests of Oconee County:

- A significant "two thirds" completion milestone, stated in the Federal Grant Guidelines for the entire project is July 27, 2012. If this award was delayed for two weeks, until the next County Council meeting, that could severely impact the contractor's ability to meet this milestone.
- It will be staff's recommendation, based on the scoring of the weighted criteria of the RFP to all proposals received, that award of Phase Two be made to the same contractor that was awarded Phase One, Network Controls & Electric. This vendor has met all federal audit requirements including their use of subcontractors. All payment applications and other required reports submitted by the contractor and the subcontractor have met federal guidelines.
- Network Controls & Electric was the highest scoring proposer for this phase, and since any delay will jeopardize the overall project completion date and the milestone completion date, and since there is no legitimate basis for the protest that I can determine; there is no need to delay the award to this contractor.
- Any delay in the award could harm substantial interests of the County in terms of overall project completion and milestone completion, and could harm the county significantly in terms of grant dollars and contract dollars, if we have to pay a premium to complete the project faster than is currently called for in the contract.
- The existing contractor has the ability to start work immediately upon award of this contract to stay on track to meet project completion deadlines, and thus protect grant dollars and contract dollars, and to meet the installation timelines needed by Oconee County public agencies depending on this broadband service.

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- If the County is not compliant with all federal guidelines, including meeting all required deadlines and milestones, this could result in a significantly increased amount of County matching funds required, or in increased contract costs to speed up the completion date, or both.
- The award to the same contractor minimizes any additional migration of existing materials and equipment. For example, all of the fiber that has been delivered to the existing contractor's storage site would have to be moved if a different contractor was selected for Phase Two. That could save the County significant costs and minimize the risk for material and equipment loss in transition, which would cost even more time and dollars to remediate.

For all of the foregoing reasons, I have made the determination, as required by the Procurement Provisions of the Oconee County Code of Ordinances, that the contract based on the successful response to this RFP should be awarded, as scheduled, on April 17, 2012, to protect substantial interests of Oconee County.





Oconee County
Procurement Office



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April 16, 2012

Mr. Buddy Timmons,
Executive Vice President
Edwards Telecommunications, Inc.
777 Old Clemson Road
Columbia, SC 29229

RE: RESPONSE TO PROTEST OF RFP 11-16, PHASE TWO
INSTALLATION CONTRACTOR FOR BROADBAND PROJECT FOCUS

Dear Mr. Timmons,

This acknowledges receipt of and is in response to your protest regarding the award of RFP 11-16, which you sent to me by email on April 16, 2012, at 8:54 am. For the reasons noted below, your protest is denied, in accordance with the RFP, itself, and the Procurement Provisions (the "Provisions") of the Oconee County Code of Ordinances (the "Code").

Below is a brief summary of the RFP process in this matter:

- RFP 11-16 (the "RFP"), to select an Installation Contractor for Phase Two of Broadband Project FOCUS, including, without limitation, the evaluation criteria, was issued by Oconee County on March 5, 2012, advertised on March 5 and 6, 2012, and sent to approximately 90 vendors.
- The responses to the RFP were opened on April 3, 2012 and six proposals were received.
- The Evaluation Committee for this RFP (the "Evaluation Committee") met on April 4, 2012 and committee members received instructions and copies of all proposals.
- The Evaluation Committee met again on April 10, 2012, to discuss and score all six proposals. The exact weighted criteria that were listed in the RFP document, which you received, and which I later reiterated to you by email, were used to score all six proposals. Per the attached scoring summary sheet, Network Controls & Electric received the highest cumulative score for its proposal for the RFP and was also ranked first by all committee members. The committee decided that interviews were not necessary, as it is allowed to do, and they proceeded to recommend award of the contract under the RFP to Network Controls & Electric.

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- This award notification was posted on the County's website on April 10, 2012 and all six vendors that submitted proposals were notified of this award via email.

The cost section of the evaluation criteria was weighted at 25%, and this was clearly stated in the RFP document, and in the reiteration which I have previously sent to you by email. Even though Edwards did have the lowest per foot cost, low cost alone was not the basis for this award. The Evaluation Committee reviewed and scored all proposals based on the RFP criteria and the result of that scoring was that Edwards was ranked fourth out of six proposals.

Therefore, I consider your protest to be meritless, as the RFP was undertaken and conducted in precise accordance with the Provisions, the RFP clearly stated the criteria by which the proposals in response to the RFP would be scored, those proposals were scored that way, and there was a highest scoring proposer, whose proposal score was much higher than any other, and, as an aside, there were three proposing vendors with a higher score than Edwards.

All scoring criteria stated in the RFP were followed and you cannot protest the scores that were given by the Individual Evaluation Committee members. Please note also that you signed page 15 of the RFP document stating that you had "read and understood the provisions contained herein and agreed to be bound by same", and those provisions clearly stated the criteria by which any proposals would be evaluated and scored.

I will be happy to meet with you and share all the scoring sheets and any other information you require, after the award is made, but I see no grounds for a valid protest of this award, and so your protest is denied. I am making that determination as Procurement Director of Oconee County, in precise accordance with the Provisions of the Code.

Respectfully,

**Robyn M. Courtright, CPPO
Procurement Director**

ROUND 1 - PROPOSALS SUBMITTED						
	Ansoo & Associates Greensboro, NC	GovTrak Group Balford, GA	Edwards Telecommunications Columbia, SC	Mastec of NA Tampa, FL	Network Controls & Electric Greer, SC	Watts Brothers Phillips, KY
Total Score	927.50	1550	1370	1211.875	2160	1380
RANKING	6	2	4	5	1	3



MINUTES
OCONEE COUNTY COUNCIL MEETING
Special Meeting
April 16, 2012

MEMBERS, OCONEE COUNTY COUNCIL,

Mr. Joel Thrift, District IV, Council Chairman
Mr. Paul Corbeil, District I, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Archie Barron, District III
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Thomas L. Martin County Attorney, County Administrator Scott Moulder, Assistant Administrator Glenn Breed and Clerk to Council, Elizabeth Hulse present.

Planning Commission Members Present: Mr. Ryan Honea, Chair; Mr. Tommy Abbott, Mr. Bill Gilster, Ms. Andy Heller, Mr. David Lyle, Ms. Gwen McPhail & Mr. Howard Moore. Mr. Aaron Gadsby, County Planner, was present for discussions.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [upon request] to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Ray Chandler – Anderson Independent, Dick Mangrum – WGOG Radio & Carlos Galarza, Mike Eads - Daily Journal.

Call to Order:

Mr. Thrift called the meeting to order at 6:00 p.m.

Consideration of the Following Ordinances:

Ordinance 2012-14

Mr. Corbeil made a motion, seconded by Mr. Barron, to approve **Ordinance 2012-14** "AN ORDINANCE TO REWRITE AND REVISE CHAPTER 38 ZONING OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO" on second reading.

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 4 – 0 [Mr. McCall had not yet arrived to the meeting] to amend **Ordinance 2012-14** "AN ORDINANCE TO REWRITE AND REVISE CHAPTER 38 ZONING OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO" as outlined on the staff identified clarifications sheet and adding Section 38-2.10 [to include mirroring language where it appears elsewhere in the ordinance]. An open motion for second reading remains on the table.

Council Workshop Discussion with Planning Commission regarding recommended changes to Ordinance 2012-14

Mr. Thrift opened the floor for discussion, asking Mr. Gadsby to briefly review changes / recommendations made to Articles I – XI and Appendix A. Lengthy discussion followed regarding several sections of the document.

Council Recess:

Mr. Thrift announced a 10 minute recess at 7:40 p.m.

Council Reconvened:

Mr. Thrift reconvened the meeting at 7:50 p.m.

Mr. Thrift directed staff and the county attorney to draft amending language for Council's consideration at their May 1, 2012 meeting to include:

- Section 38-4.1: Amend to include language to include extension of a non-conforming use based on established criteria [national, regional, etc economic reports] to allow for up to three 1-year extensions to allow citizens to stay exemption as a non-conforming parcel.
- Section 38-8.5: Amend "(2) Method 2 – Small Area Rezoning i)" as follows: Any property owner, or group of property owners, with a combined minimum ownership of at least 200 acres may petition County Council for initial rezoning provided the petition[s] include at least fifty one percent [51%] of the property owners of the properties in question [*as stated above*] owning a minimum of seventy five percent [75%] of the acreage within the established boundary for the rezoning request.
- Section 38-11.1 (5) (a): Amend to include language as outlined on Natural Vegetative Buffer handout utilizing all applicable language for Option B.
- Section 38-12.2: Add definitions for the following items: petition, property owner [as it relates to this ordinance only], place of worship and view lane.

Mr. Gadsby noted that any additional typographical errors identified will be corrected and incorporated in the amended document.

Mr. Dexter made a motion, seconded by Mr. Barron, approved 5 – 0 to table **Ordinance 2012-14.**

Motion to Amend Agenda:

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to amend the agenda to discuss a contractual matter.

RFP 11-16 / Phase II Installation Contractor for Broadband / Project Focus

Mr. Moulder and Ms. Robyn Courtright, Procurement Director, addressed Council regarding this RFP which is slated for action at Council's April 17, 2012 council meeting; noting that a protest has been filed. Mr. Moulder provided two documents for Council's review prior to their vote regarding this matter [copies filed with these minutes]:

April 16, 2012 Memorandum to Mr. Moulder & Mr. Thrift from Ms. Courtright

April 16, 2012 Memorandum to Mr. Timmons, Edwards Telecommunications, Inc.

Mr. Moulder read into the record the determination by the Procurement Director related to a recommendation for award of this RFP:

Our Procurement Ordinance 2010-12, states the following:

*(m) **Stay of Procurement During Protest or Appeal.** In the event of a timely protest under this section, the County shall not proceed further with the solicitation or with the award of the Contract until a final decision has been made and the time for appeal has expired, unless the Procurement Director, after consultation with the head of the using department, makes a written determination that the award of the Contract is necessary to protect substantial interests of the County.*

It is my recommendation that County Council consider moving forward with the award of RFP 11-16 at the April 17, 2012 meeting. A delay of even two weeks until the next meeting could have a potentially negative effect on the contractor's ability to complete this project on time. Below are some specific reasons why this contract must be awarded at the April 17, 2012 meeting:

- *A significant two thirds completion milestone for the entire project is July 27, 2012. If this award was delayed, it would severely impact the contractor's ability to meet this milestone.*
- *This award of Phase Two is recommended to the same contractor that was awarded Phase One, Network Controls & Electric. This vendor has met all federal audit requirements including their use of subcontractors and all payment applications and other required reports submitted by the contractor and the subcontractor meet federal guidelines.*
- *The existing contractor has the ability to start work immediately upon award of this contract to stay on track to meet project completion deadlines.*
- *If the County is not compliant with all federal guidelines, including meeting all required deadlines and milestones, this could result in a significant increased amount of County matching funds.*
- *The award to the same contractor minimizes any additional migration of existing materials and equipment. For example, all of the fiber that has been delivered to the existing contractor's storage site would have to be moved if a different contractor was selected for Phase Two.*

Council received this as information in preparation for the April 17, 2012 Council meeting at which time this matter is slated for action.

Old Business:

None scheduled for this meeting.

Adjourn:

McCall made a motion, approved unanimously to adjourn at 8:09 p.m.

Respectfully Submitted:

Elizabeth G. Hulse, Clerk to Council